

**HAWAII ADMINISTRATIVE RULES
TITLE 19
DEPARTMENT OF TRANSPORTATION
CHAPTER 42
VESSEL AND HARBOR CONTROLS**

**SUBCHAPTER 4
SAFETY, CLEANLINESS, AND USE OF FACILITIES**

§19-42-136 Fueling. (a) All fueling operations shall be done in compliance with the stricter of any applicable federal, state, and county rules. The fueling of vessels at a state commercial harbor where a marine fueling station has been established, or where authorized tank trucks or tank trailers are available shall be accomplished only at a station, or by tank trucks or tank trailers with a state permit. A permit shall be issued only if:

(1) Proper application has been submitted;
(2) Established fees have been paid to the department by the applicant;
(3) There exists a comprehensive general liability insurance policy or policies, or a certificate of insurance in lieu thereof evidencing that a policy has been issued and is in force with a combined single limit of not less than \$500,000. The specification of limits contained in this section shall not be construed in any way to be a limitation on the liability of the permittee for any injury or damage proximately caused by it. The insurance shall:

(A) Be issued by an insurance company or surety company authorized to do business in the State;
(B) Name the State as an additional insured;
(C) Provide that the department shall be notified at least thirty days prior to any termination, cancellation, or material change in its insurance coverage;
(D) Cover all injuries, losses, or damages arising from, growing out of, or caused by any acts or omissions of the permittee, its officers, agents, employees, invitees, or licensees, in connection with the permittee's use or occupancy of the premises; and
(E) Be maintained and kept in effect at the permittee's own expense throughout the life of the permit. The permittee shall submit evidence to the department of renewals or other actions to indicate that the insurance policy remains in effect as prescribed in this section.

(b) Prior to fueling a vessel at a state commercial harbor, the operator shall:
(1) Securely moor the vessel;
(2) Stop all engines, motors, fans, and devices which could produce sparks;
(3) Extinguish all fires;
(4) Close all ports, windows, doors, and hatches; and
(5) Clear the area of people not directly involved with the operation of the vessel or servicing of the vessel.

(c) Persons fueling a vessel at a state commercial harbor shall:

- (1) Refrain from smoking, striking matches, or throwing switches; and
- (2) Keep the nozzle of the fuel hose, or fuel can in continuous contact with fuel tank opening to guard against static sparks.

(d) After fueling is completed, the following actions shall be taken:

- (1) Close fill openings;
- (2) Wipe up all spilled fuel;
- (3) Open all ports, windows, doors, and hatches;
- (4) Permit vessel to ventilate for at least five minutes; and
- (5) Check that there are no fuel fumes in the vessel's bilges or below deck spaces before starting machinery or lighting fires.

(e) Fueling a vessel from a fuel barge or tanker barge shall be allowed only when it is done in accordance with operational procedures approved by the U. S. Coast Guard. [Eff 5/20/82; am 12/5/83; am 11/7/91; am and comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)